THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22372 of 1994

Dated:18.1.2007

Between
G.Bal Reddy

.....Petitioner

and

The Managing Director, AP Dairy Development Cooperative Federation Limited, Lallapet, Hyderabad.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22372 of 1994

ORDER:

This writ petition is filed seeking a Certiorari to call for the records relating to the Letter No.7768/Admn.VI/93, dated 5.8.1993 issued by the respondent-Corporation and to quash the same as arbitrary and illegal and consequently to direct the respondent-Corporation to reimburse the medical claim of the petitioner with interest at 24% p.a.

It appears that the petitioner viz., G.Bal Reddy while working in the respondent - A.P. Dairy Development Cooperative Federation Limited, Hyderabad, applied leave on medical grounds. Thereafter, he got operated (by pass surgery) on 3.12.1991 at Apollo Hospital, Hyderabad, and as per G.O.Ms.281 dated 1.5.1989 he is entitled to reimburse a sum of Rs.40,000/-. The only

grievance of the petitioner is that the respondent-Corporation is not considering the reimbursement of the medical expenditure met by him at Apollo Hospital.

A detailed counter affidavit has been filed by the respondent-Corporation, denying the allegations made by the petitioner. The admission of the petitioner in the Apollo Hospital, Hyderabad and his getting operated there on 3.12.1991 is not in dispute. The only objection of the Corporation is that the petitioner should be referred by an authorized medical attendant to a referral hospital and the same should be approved by the competent authority, whereas the petitioner got himself admitted and operated at Apollo hospital, Hyderabad. Therefore, he is not entitled to reimbursement of the medical expenditure incurred for his operation. The G.O.Ms.No.281 dated 1.5.89 issued by the A.P. Health and Medical Family Welfare (K1) is not applicable to the petitioner. According to the said GO, the employee who desires to obtain treatment outside State be

certified by the authorized medical attendant with the prior approval of the DME, Government of Health, Medical and Family Welfare Department. But, the petitioner has not obtained any permission either from the Corporation or from the DME, or the Government concerned Department.

The facts are not in dispute. The only objection taken by the Corporation is that before operating at Apollo Hospital, the petitioner could have got himself referred by the competent authority as required under the law. But he did not do so. Therefore, he is not entitled for the reimbursement. Learned counsel for the respondent drawn attention of the Court to Rule 8 of the Medical Reimbursement Rules of the Andhra Pradesh Dairy Development Cooperative Federation Limited, which reads as under:

> *"Nothing in these rules shall be deemed to prevent the M.D from granting to an employee, in exceptional cases or under special circumstances to be recorded in writing, any concession relating to payment of advance, medical attendance or treatment or any other expenses not*

authorized by these Rules."

During pendency of the writ petition, the petitioner died and his LRs were brought on record.

In view of the above, the Managing Director of the Corporation is directed to consider the case of the petitioner as per Rule 8 of the Medical Reimbursement Rules applicable to the employees of the Federation for the purpose of relaxing the necessary rule of referring the person to a referral hospital by an authorized medical attendant and then release the amounts within a period of two months, from the date of receipt of a copy of this order.

Writ petition is disposed of accordingly. No costs.

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18-01-2007

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